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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 MARIA TERESA HERNANDEZ, ) Case No.: 1:21-cv-0036 JLT  
12 Plaintiff, )  
13 v. ) ORDER LIFTING THE STAY  
14 KILOLO KIJAKAZI<sup>1</sup>, ) ORDER AMENDING THE SCHEDULING  
15 Acting Commissioner of Social Security, ) ORDER  
16 Defendant. )

17 This action was automatically stayed under General Order No. 615, due to the Commissioner's  
18 inability to prepare a certified copy of the administrative record with limitations caused by the COVID-  
19 19 pandemic. (*See* Doc. 3 at 4.) General Order No. 615 allows the stay to be lifted when "i) the  
20 Commissioner files a proof of service showing that the CAR has been served on Plaintiff; or ii) the  
21 Commissioner files the CAR." The Commissioner has now filed the certified administrative record.  
22 (Doc. 11.) Accordingly, the Court **ORDERS**:

- 23 1. The stay imposed by General Order No. 615 is **LIFTED**.  
24 2. **Within 45 days of service of this order**, the plaintiff shall file the motion for summary  
25 judgment.  
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28 <sup>1</sup> This action was originally filed against Andrew Saul in his capacity as the Commissioner of Social Security.  
(*See* Doc. 1 at 1.) The Court has substituted Kilolo Kijakazi, who has since been appointed the Acting Commissioner of  
Social Security, as the defendant. *See* Fed. R. Civ. P. 25(d).

1           3.     **Within 45 days after service of plaintiff's opening brief**, the defendant shall file the  
2 responsive brief.

3           4.     **Within 15 days after filing of defendant's brief**, the plaintiff shall file the optional  
4 reply brief.

5           5.     Any motion for attorney fees shall be filed within 30 days after entry of final judgment.  
6 Opposition or a statement of non-opposition shall be filed within 30 days thereafter.

7           6.     All references to the record and all assertion of fact must be accompanied by citations  
8 to the record. The opening and responsive brief shall contain the following:

9                 (a)     A description of the plaintiff's alleged physical or emotional impairments,  
10 including when the plaintiff contends the impairments became disabling, and how these impairments  
11 disable the plaintiff from work.

12                (b)     A summary of all relevant medical evidence, including an explanation of the  
13 significance of clinical and laboratory findings and the purpose and effect of prescribed medication  
14 and therapy.

15                (c)     A summary of the relevant testimony at the administrative hearing.

16                (d)     A recitation of the defendant's findings and conclusions relevant to the  
17 plaintiff's claims.

18                (e)     A short, separate statement of each of the plaintiff's legal claims stated in terms  
19 of the insufficiency of the evidence to support findings of fact or reliance upon an erroneous legal  
20 standard; and

21                (f)     Argument separately addressing each claimed error. Argument in support of  
22 each claim of error must be supported by citation to legal authority and explanation of the application  
23 of such authority to the facts of the particular case. Briefs that do not substantially comply with these  
24 requirements will be stricken.

25           7.     Requests for modification of this briefing schedule must be made by written stipulation  
26 or motion and will be granted only for good cause. A request for a modification brought on the filing  
27 deadline will be looked upon with disfavor. Local Rule 144(d).

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IT IS SO ORDERED.

          /s/ Jennifer L. Thurston            
CHIEF UNITED STATES MAGISTRATE JUDGE